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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,155	12/11/2003	Shantilal Hirji Modha	SSK-50 (18583)	5956
22827 7590 07/03/2007 DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER DANIELS, MATTHEW J	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/733,155	Applicant(s) MODHA ET AL.	
	Examiner Matthew J. Daniels	Art Unit 1732	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 77-115.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the enclosed response to arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: The amendment would require at least further consideration of the dependent claims.

Response to Arguments

1. Applicant's arguments filed 29 May 2007 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

a) Neither cited reference discloses chlorination of the glove while the glove is still on the former. The Office Action summarily dismisses this limitation by stating that performing these steps in a different order would not distinguish the process from that of Teoh. However, this statement is clearly contrary to the law regarding obviousness under Section 103.

The claim limitation requiring chlorination of the glove prior to stripping must be considered.

The certain order produces a significant improvement in process efficiency.

b) Teoh teaches away from chlorination in Par. 3 because it performs a process "instead" of chlorination.

c) Chen teaches chlorination only after stripping the glove from the former.

d) Teoh notes that the conventional multi-dipping process is complicated and time consuming and can potentially have deleterious effects on the properties of the finished glove.

e) Chen expressly teaches away from elastomeric articles with a hydrogel at Col. 1, lines 47-54. All portions of the reference must be considered.

f) There is no motivation for the combination.

g) Even if combined, there is no teaching of each limitation of Claim 77 and 98.

h) The rejection over Schlenker fails for the same reasons.

2. These arguments are not persuasive for the following reasons:

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a,g) First, it is noted that the claim amendments are not being entered. Arguments are addressed as they pertain to the pending dependent claims drawn to similar subject matter.

Applicants' arguments appear to state in error that the limitation drawn to the order of steps has not been considered. However, the limitation was considered and was asserted to be drawn to a difference in the order of process steps disclosed by the prior art. However, rearrangement of process steps disclosed by the prior art is generally considered to be prima facie obvious in the absence of unexpected results. *Ex parte Rubin*, 128 USPQ 440 (Bd. App. 1959) (Prior art reference disclosing a process of making a laminated sheet wherein a base sheet is first coated with a metallic film and thereafter impregnated with a thermosetting material was held to render prima facie obvious claims directed to a process of making a laminated sheet by reversing the order of the prior art process steps.). Applicants' remarks state that the particular order produces an improvement in process efficiency. However, this statement does not appear to be based on evidence. If the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness rejection. See MPEP 2144.04. However, in this case there is no demonstration of the criticality of the particular order claimed.

Additionally, the invention appears to be directed at the improvements achieved by hydrogels. See pages 2-3 of the instant specification, Summary of the Invention, which is silent to chlorination. Page 4 of the specification asserts that "treatment steps, such as chlorination" "are no longer required." (lines 13-14). Various "off-line" (after stripping from the former) treatments, such as chlorination, are also optional in the disclosed method (Page 18, lines 12-13). In view of the cited references and the disclosed and claimed methods, it is submitted that there

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is no demonstration of the criticality of the particular order claimed, and the claimed order of steps constitutes a rearrangement of process steps well known in the prior art.

b-e) Chen teaches that a prior art process is known which provides a skin-contacting coating of a lubricating hydrogel bonded to the inner surface of the glove, as claimed. While Chen discloses that the resulting gloves are not capable of providing gloves that are as easy to don as powdered gloves, it is submitted that this is not a teaching away from the reference, and teaches a non-preferred embodiment known in the art.

Teoh teaches that chlorination processes are also known in the prior art. Teoh teaches that a prior art process is known which provides chlorination to a glove, as claimed. Teoh also teaches that "Chlorination is, therefore, only a partial solution to the problem of tack development." (emphasis added, page 2, lines 13-16). Therefore, it is submitted that Teoh discloses chlorination as a non-preferred embodiment.

f) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one would have been motivated to make the combination in order to provide improved donnability.

h) It is submitted that by suggesting both hydrogels and chlorination, Schlenker further rebuts Applicants' arguments above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 6/26/07

MSD


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6/29/07